

REMARKS/ARGUMENTS

Reconsideration and withdrawal of the rejections of the application are respectfully requested in view of the remarks herewith.

I. STATUS OF THE CLAIMS AND FORMAL MATTERS

Claims 1-10 are pending in this paper. No claims are amended.

II. REJECTIONS UNDER 35 U.S.C. §102(e)

Claims 1-10 were rejected under 35 U.S.C. §102(e) as allegedly being anticipated by U.S. Publication No. 2002/0164149 to Wilkinson (hereinafter, merely “Wilkinson”).

III. RESPONSE TO REJECTIONS

Claim 1 recites, *inter alia*:

“A file generation apparatus for generating a file of first data to be recorded on a recording medium, the file generation apparatus comprising:

...third generation means for generating fourth data as stuffing data which allows the data amount of each of the first, second, and third data to be an integral multiple of a unit of reading or writing to the recording medium by adding the fourth data to the first data, the second data, and the third data.” (emphasis added)

The above-identified feature of claim 1 is directed to adding filler data, which are stuffing data, to the header, the body, and the footer of an AV file so that each of the header, the body, and the footer has a size to an integral multiple of the ECC block.

The Office Action (see page 4) relies on paragraphs [0013], [0014], [0056], [0060], and [0132] of Wilkinson to reject the above identified features of claim 1. The cited portion of Wilkinson is reproduced as follows:

[0013] Preferably the file comprises a file header, a file body containing the said other material and a file footer. Most preferably the file is an MXF file and the data is Header Metadata thereof.

[0014] Material, especially video and audio, may be stored in various different types of store including tape recorders and file servers and transferred between them. Thus by organising the combined data and other material as a file the transfer is facilitated.

[0056] The index table provides a means of rapidly locating specific data, e.g. video frame starts, in the file body.

[0060] The preamble comprises Header Metadata. The metadata may be any information associated with the essence contained in the file body. The metadata may be descriptive of the essence, be technical data relating to the essence or any other information.

[0132] A digital data store such as a digital video tape recorder or digital disc recorder 38 which is designed to store SDTI-CP content packages records the SDTI-CP content package. Because the Header Metadata is in the MPEG2 ES contained in the picture item, the recorder 38 is able to store the repeated metadata without violating its formatting rules.

The cited portion of Wilkinson does not disclose filler data or stuffing data that may be added to the header or footer so that each of them may an integral number of recording units in a recording medium. Applicants respectfully submit that Wilkinson fails to disclose or render predictable **“third generation means for generating fourth data as stuffing data which allows the data amount of each of the first, second, and third data to be an integral multiple of a unit of reading or writing to the recording medium by adding the fourth data to the first data, the second data, and the third data,”** as recited in claim 1 (emphasis added).

Therefore, claim 1 is patentable.

For similar, or somewhat similar, in scope to claim 1, Claims 8-10 are therefore patentable for similar, or somewhat similar, reasons.

IV. DEPENDENT CLAIMS

The other claims are dependent from one of the independent claims, discussed above, and are therefore believed patentable for at least the same reasons. As nothing in the prior art cited in the Office Action cures the above-identified deficiencies, Applicants respectfully request reconsideration and withdrawal of the rejections. As each dependent claim is also deemed to define an additional aspect of the invention, however, the individual reconsideration of the patentability of each on its own merits is respectfully requested.

CONCLUSION

Similarly, because Applicants maintain that all claims are allowable for at least the reasons presented hereinabove, in the interests of brevity, this response does not comment on each and every comment made by the Examiner in the Office Action. This should not be taken as acquiescence of the substance of those comments, and Applicants reserve the right to address such comments.

In the event the Examiner disagrees with any of statements appearing above with respect to the disclosure in the cited reference or references, it is respectfully requested that the Examiner specifically indicate those portions of the reference or references providing the basis for a contrary view.

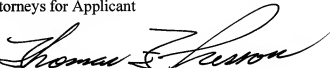
Please charge any additional fees that may be needed, and credit any overpayment, to our Deposit Account No. 50-0320.

In view of the foregoing amendments and remarks, it is believed that claim 4 is patentable and Applicant respectfully requests early passage to issue of the present application.

Respectfully submitted,

FROMMER LAWRENCE & HAUG LLP
Attorneys for Applicant

By



Thomas F. Presson
Reg. No. 41,442
(212) 588-0800